

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

MARK RILEY,

Plaintiff,

v.

**Civil Action No. 5:07cv147
(Judge Stamp)**

NORTHERN REGIONAL JAIL, et al.,

Defendants.

ORDER DENYING MOTION FOR TRANSFER

On November 16, 2007, *pro se* plaintiff, Mark Riley, filed the above-styled civil rights action. On December 18, 2007, he filed a letter asking the Court to have him transferred to another jail or prison facility. That letter has been docketed as a Letter Motion.

The Due Process Clause does not create any right to be transferred from local jail to state prison. Furthermore an inmate has “no justifiable expectation that he will be incarcerated in any particular prison with a State.” Olim v. Wakinekona, 462 U.S. 238, 245 (1982). Accordingly, this Court does not have the authority to order the petitioner’s transfer, and the plaintiff’s Letter Motion (Doc. 15) is **DENIED**.

IT IS SO ORDERED.

The Clerk of the Court is directed to mail a copy of this Order to the *pro se* plaintiff.

DATED: December 28, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE